IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 19919 of 2007(U)

AGAINST THE ORDER DATED IN EP 70/06 EA 416/07 IN OS.337/2002 of II ADDL.M.C.,NEYYATTINKARA

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PETITIONER:

JAYAKUMAR,
JAYA BHAVAN, POOVAR DESOM,
THIRUPURAM VILLAGE, NEYYATTINKARA.

BY ADV. SRI.G.SUDHEER

RESPONDENTS:

LUCI NIRMALA,
VALIYAVILAKATHU VEEDU, KODAMKARA,MELAMMAKAM DESOM,
CHENKAL VILLAGE, NEYYATTINKARA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No. 19919 OF 2007 U

Dated this the 28th June, 2007.

JUDGMENT

The writ petitioner is working in the Police Department and he is now ordered to be arrested and detained in civil prison for realisation of the amount due from him. I had perused the entire writ petition records and it is seen that an amount of Rs.10,000/- is paid after the issuance of the arrest order. Learned counsel for the writ petitioner submits that in case he is arrested and send to civil prison he may face suspension and there will be untold miseries for his family. It is also submitted that a sizable amount of his salary is being deducted for the other loans availed by him. So, taking into consideration the entire materials available, I think a breathing time can be given to the judgment debtor to discharge the amount with stringent conditions. Therefore, the writ petition is disposed of as follows:-

i) The writ petitioner is directed to pay or deposit before the court an amount of Rs.25,000/- (Rupees twenty five thousand only) towards the decree debt on or before 28.7.2007.

ii) He can continue to pay the balance amount in six monthly equal instalments commencing from 28.8.2007.

iii) In case he commits default of payment of Rs.25,000/- or any one of the instalments, he shall loose the benefit of this order and can be detained in civil prison, after intimation to his superior officer. In order to enable him to make payment the order of arrest shall remain suspended and the Superintendent of Police need not relieve him for the purpose of arrest at this stage as the warrant remains suspended.

M.N.KRISHNAN
Judge

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